

HOUSE No. 4805

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to work and family mobility.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 8 of chapter 90 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out, in lines 275 to 277, inclusive, the words “No
3 license of any type may be issued to any person who does not have lawful presence in the United
4 States.” and inserting in place thereof the following words:- An applicant for a license under this
5 section who does not provide proof of lawful presence, including an applicant who is ineligible
6 for a social security number, shall be eligible for a Massachusetts license to operate a motor
7 vehicle if the applicant meets all other qualifications for licensure and provides satisfactory proof
8 to the registrar of their identity, date of birth and Massachusetts residency. When processing an
9 application for a Massachusetts license pursuant to this section or a learner’s permit pursuant to
10 section 8B, the registrar shall not inquire about or create a record of an applicant’s citizenship or
11 immigration status except as may be required under title 52 of the United States Code or chapter
12 51 of the General Laws. When processing an application for registration of a motor vehicle, or a
13 renewal thereof, submitted by an applicant who holds a Massachusetts license the registrar shall
14 not inquire about or create a record of an applicant’s citizenship or immigration status.

SECTION 2. Said section 8 of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 278 to 279, inclusive, the words “or a Massachusetts license”.

SECTION 3. Said section 8 of said chapter 90, as so appearing, is hereby further amended by inserting after the word “a”, in line 287, the following words:- REAL ID-compliant.

SECTION 4. Said section 8 of said chapter 90, as so appearing, is hereby further amended by inserting after the word “temporary.”, in line 295, the following words:- If, at the expiration of the term of a REAL ID-compliant license, the licensee does not provide proof of lawful presence, the licensee shall remain eligible to apply for a Massachusetts license.

SECTION 5. Said section 8 of said chapter 90, as so appearing, is hereby further amended by adding the following 3 paragraphs:-

If an applicant for a license under this section or an applicant for a learner’s permit under section 8B does not provide proof of lawful presence, the applicant shall submit to the registrar and the registrar shall accept as proof of their identity and date of birth 2 documents. One document shall be: (1) a valid unexpired foreign passport; or (2) a valid unexpired Consular Identification document. The other document shall be: (1) a valid unexpired driver’s license from any United States state or territory; (2) an original or certified copy of a birth certificate; (3) a valid unexpired foreign national identification card; (4) a valid unexpired foreign driver’s license; or (5) a marriage certificate or divorce decree issued by any state or territory of the United States. One document submitted as proof of an applicant’s identity pursuant to this paragraph shall include a photograph and one document submitted as proof of an applicant’s identity pursuant to this paragraph shall include a date of birth. Any documents submitted as

proof of an applicant's identity pursuant to this paragraph that are in any language other than English shall be accompanied by a certified translation translating the document to English.

In addition to the powers and authority conferred upon the registrar pursuant to section 10 with respect to standards of fitness for operation of a motor vehicle, the registrar may conduct a review of any documents issued by another country that are submitted by an applicant for a license under this section or an applicant for a learner's permit under section 8B who does not provide proof of lawful presence, including those who are ineligible for a social security number, to determine whether reasonable cause exists to exclude the document as proof of identity or date of birth.

Each applicant for a license under this section or learner's permit under section 8B shall attest, under the pains and penalties of perjury, that their license or right to operate has not been suspended or revoked in another state, country or jurisdiction.

SECTION 6. Section 8B of said chapter 90, as so appearing, is hereby amended by striking out, in lines 42 to 44, inclusive, the words “, except that no permit shall be issued to an applicant for a period of time longer than the registrar determines the applicant is legally authorized to remain in the United States”.

SECTION 7. (a) Notwithstanding any general or special law to the contrary, any information provided by or relating to an applicant for a Massachusetts license under section 8 of chapter 90 of the General Laws or a learner's permit under section 8B of said chapter 90, including failure to provide proof of lawful presence as defined in section 1 of said chapter 90, including, but not limited to, personally identifying information and communications between the applicant and the registrar of motor vehicles pursuant to said sections 8 or 8B of said chapter

90, shall neither be a public record nor be disclosed by the registrar, except as required by federal law or as authorized by regulations promulgated by the attorney general; provided, however, that information maintained by the motor vehicle insurance merit rating board pursuant to section 57A of chapter 6C of the General Laws may be disseminated for motor vehicle insurance purposes; and provided further, that any information disseminated for motor vehicle insurance purposes shall remain confidential and be used solely for the purpose of motor vehicle insurance.

(b) Notwithstanding any general or special law to the contrary, any information provided by or relating to the holder of a Massachusetts license issued under said section 8 of said chapter 90 or the holder of a learner's permit issued under said section 8B of said chapter 90, including failure to provide proof of lawful presence as defined in said section 1 of said chapter 90, including, but not limited to, personally identifying information and communications between the holder and the registrar of motor vehicles pursuant to said sections 8 or 8B of said chapter 90, shall neither be a public record nor be disclosed by the registrar, except as required by federal law or as authorized by regulations promulgated by the attorney general; provided, however, that information maintained by the motor vehicle insurance merit rating board pursuant to said section 57A of said chapter 6C may be disseminated for motor vehicle insurance purposes; and provided further, that any information disseminated for motor vehicle insurance purposes shall remain confidential and be used solely for the purpose of motor vehicle insurance.

SECTION 8. Notwithstanding any general or special law to the contrary, the registrar of motor vehicles shall promulgate rules and regulations regarding proof of identity, date of birth and Massachusetts residency applicable to United States citizens and other persons who provide proof of lawful presence as defined in section 1 of chapter 90 of the General Laws who elect to apply for a Massachusetts license pursuant to section 8 of said chapter 90.

81 SECTION 9. Notwithstanding any general or special law to the contrary, the registrar of
82 motor vehicles, in consultation with the state secretary, shall establish procedures, and may
83 promulgate regulations, to ensure that an applicant for a Massachusetts license pursuant to
84 section 8 of chapter 90 of the General Laws or a learner's permit pursuant to section 8B of said
85 chapter 90 who does not provide proof of lawful presence as defined in section 1 of said chapter
86 90 shall not be automatically registered to vote pursuant to the National Voter Registration Act
87 of 1993, as codified in 52 U.S.C. chapter 205, or any general or special law.

88 SECTION 10. This act shall take effect on July 1, 2023.